

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

TAMMY POWERS,

Plaintiff,

Case No. 3:19-cv-403

vs.

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,

District Judge Michael J. Newman  
Magistrate Judge Sharon L. Ovington

Defendant.

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**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (DOC. NO. 17); (2) VACATING THE COMMISSIONER’S NON-DISABILITY FINDING; (3) MAKING NO FINDING AS TO WHETHER PLAINTIFF WAS UNDER A “DISABILITY” WITHIN THE MEANING OF THE SOCIAL SECURITY ACT; (4) REMANDING THIS MATTER TO THE SOCIAL SECURITY ADMINISTRATION UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g) FOR FURTHER CONSIDERATION CONSISTENT WITH THIS DECISION; AND (5) TERMINATING THIS CASE ON THE COURT’S DOCKET**

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This Social Security case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Sharon L. Ovington (doc. no. 17), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Ovington recommended that the ALJ’s non-disability finding be vacated. No objections were filed. As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation (doc. no. 17) should be adopted. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation (doc. 17) is **ADOPTED** in full; (2) the Commissioner’s non-disability finding is **VACATED**; (3) no finding is made as to whether Plaintiff was under a

“disability” within the meaning of the Social Security Act; (4) this matter is **REMANDED** to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with this decision; and (5) this case is **TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

July 19, 2021

s/ Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge